

REMARKS

Applicants wish to thank the Examiner for the Office communication mailed February 26, 2002, indicating that all pending claims (claims 22-31 and 49-59) are allowable but potentially subject to an interference.

Applicants respectfully request that the specification be corrected prior to any such declaration of interference, by restoring the language at page 6, lines 22-23, to the "as filed" wording.

By way of background, in a Preliminary Amendment filed January 12, 2000, the description of Figure 6 was amended for clarification at the request of the examiner in a related divisional application, U.S. Serial No. 07/958,290, now U.S. Patent No. 5,583,988. At that time, it was thought that the amendment to the description of Figure 6 did not constitute new matter.

It has now come to Applicants' attention that the description of Figure 6 should not have been amended from its original wording in the present case, nor in related application 07/958,290, because the amended wording substantively altered, and contradicts the description set forth in, the specification and in Figure 6 as filed. One of ordinary skill in the art would clearly recognize the exon sequences in Figure 6 from the underlying illustration of predicted amino acid sequences.

CONCLUSION

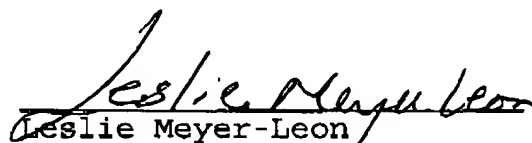
Entry of this Amendment is proper under 37 C.F.R. §1.116 because the amendment places the application in better condition for allowance (for the reasons discussed herein) and places the application into better form for interference. The amendment does not raise any new issues requiring further search and/or consideration. Furthermore, the Amendment does not present any additional claims. Applicant therefore respectfully requests entry of the Amendment.

Applicant submits that the application is now in condition for allowance.

Please charge any outstanding fees due, or credit any overpayments, to Deposit Account No. 50-1895, Reference No. 0300-005009.

Respectfully submitted,

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Enclosures: Version with markings to show changes made  
(1 pg.)

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VERSION WITH MARKINGS TO SHOW CHANGES MADEAmended Specification, page 6, lines 22-23.

Fig. 6 (6-1 through 6-9) is a nucleic acid sequence [flanking and including each] of exons of the normal retinoblastoma gene, with [exon sequence shown in upper case letters, flanking intron sequence shown in lower case letters, and the size of the intervening sequences shown in kilobase (kb)units] flanking regions.